

§ 203.93

with identified requirements, notification will be provided that the levee is not eligible for consideration for rehabilitation under Pub. L. 84-99 until the Corps is advised that the work is completed. No further inspections will be made of a levee that is ineligible until the sponsor provides notification by letter indicating that noted deficiencies have been corrected.

(c) *Technical evaluation.* Technical evaluation procedures are intended to establish the general capability of a non-Federal levee to provide reliable flood protection.

§ 203.93 Inspections.

(a) *General.* The initial inspection of any non-Federal levee using these guidelines will establish the estimated level of protection and structural reliability of the existing levee. Subsequent inspections will detect changed project conditions which have an impact on the integrity of the flood protection provided by the levee.

(b) *Hydrologic/hydraulic analyses.* The level of protection provided by a non-Federal levee will be evaluated and expressed in terms of exceedence frequency (e.g., a 20%, 10% etc. chance of the levee being overtopped in any given year.) These analyses also include an evaluation of existing or needed erosion control features for portions of the levee which may be threatened by wind generated waves, stream or surface flows.

(c) *Geotechnical analyses.* The geotechnical evaluation will be based primarily on a detailed visual inspection. The initial inspection will identify critical sections where levee stability appears weakest and will document the location, reach, and cross-section at these points.

(d) *Maintenance.* The Maintenance section of Rating is intended for use in evaluation of maintenance performance and deficiencies to the same scope and degree as is required to determine compliance with assurance agreements entered into pursuant to 33 CFR 208.10. This evaluation should reflect the level of maintenance required to assure the intended degree of flood protection and performance of local cooperation required for a levee to remain eligible for the rehabilitation program under Pub.

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L. 84-99. The Rating Guide is also applicable to levees where no local cooperation agreement exists (i.e., not previously repaired under Pub. L. 84-99), but an eligibility review is requested by the owner/sponsor of the project.

§ 203.94 Evaluation of eligibility based on the Rating Guide.

After the technical evaluation has assessed the integrity of the levee, the current definitive condition of the levee will be evaluated using the Rating Guide as a basis. The following table provides general guidance on appropriate inspection recommendations based on the Rating Guide parameters:

Condition	Recommendation
A—Acceptable	No immediate work required.
M—Minimally Acceptable.	A deficient condition exists which needs to be improved by the levee sponsor/owner. The inspector's evaluation should address the impacts on the original design and/or on operating deficiencies resulting from the condition identified.
U—Unacceptable	Items which fall within this category may render the levee ineligible for rehabilitation under Pub. L. 84-99 unless immediate corrective action is taken by the sponsor/owner. The inspector's evaluation will establish specific time periods within which the unacceptable performance items must be upgraded to at least Condition M.

If the sponsor/owner does not comply with the recommendation for correction of Condition "U" items, within specified time frames a notification will be provided to the sponsor/owner that the levee is ineligible for rehabilitation under Pub. L. 84-99 until the deficiencies are corrected. No further inspections will be made until the sponsor/owner notifies the Corps that this has been completed.

§ 203.95 Rehabilitation investigation.

The inspection program outlined in this subpart is intended to facilitate the completion of rehabilitation investigations when levees in the program are damaged by flood. The most recent inspection report should provide most of the general information required to support a request to rehabilitate a levee under Pub. L. 84-99.